

City Served in Support Action Of 2 Colleges

Counsel for C. C. N. Y. and Hunter Says Craig and Estimate Board Seek Destruction of Institutions

Mandamus Is Requested

Sufficient Funds for Up-keep Not Included in '23 Budget, Brief Declares

Charles H. Tuttle, as counsel for the College of the City of New York, and Carl E. Peterson, as counsel for Hunter College, served on the Corporation Counsel yesterday their brief in support of the application of the boards of trustees for a mandamus to require the Board of Estimate to appropriate sufficient funds for the support of the institutions, which, they contended, were not included in the 1923 city budget.

Mr. Tuttle, who is a trustee of the City College, in a statement issued declared that the attacks by Comptroller Craig and other members of the Board of Estimate on the two colleges were primarily directed at the destruction of the institutions. The issue presented by the brief filed in the name of the Board of Estimate, he said, was none other than the legality of the very existence of the two colleges.

"It is but right that the citizens of this city should know at once that this is the real attack and the real issue," said Mr. Tuttle. "The principal contention urged in the brief for the Board of Estimate is that the levying of taxes in this city for the support of these institutions, which are established and required by law to furnish higher education gratuitously to the graduates of the city's public schools and governed by special boards composed of residents of the city appointed by the Mayor, is not a city purpose within the meaning of Section 10 of Article VIII of the State Constitution. If that were true, then the city could not even voluntarily appropriate a dollar for the support of either college, for in that event the city could not even voluntarily levy a tax for such purpose."

Legal Existence Is Issue

"Much publicity has recently been given to certain remarks by certain public officials concerning mandatory legislation, concerning the salaries as fixed by the Legislature of 1921 for the faculties of these two colleges, and concerning the rental value of the house owned by City College and occupied by its president. It is appropriate, therefore, that every one should understand that the actual attack as presented in this brief is on the legal existence of these two institutions and on the existence of any like institution supported by city taxation. The real question, therefore, is not whether the Legislature adopted too generous a scale of salaries or whether the Legislature improperly gave to the work of these two colleges the guarantee of a required minimum appropriation by the Board of Estimate, but rather as to whether these two colleges do or can lawfully exist at all.

"The attack on the very existence of these two colleges is the more astonishing in that they have for many decades seen the means by which the sons and daughters of the citizens of the city have had, gratuitously, the opportunities for an academic and scientific training, which otherwise would be within the reach only of the privileged classes.

"If we may judge, by its effect, the purpose of the attack now made on the legal existence of the City College

and the corresponding college for girls, it is to throw back the city education to the condition of affairs prior to 1847, when higher education was beyond the reach of the children of the poor and was reserved principally for the children of the rich. That these colleges have fulfilled the purposes for which they are founded, is shown by the fact that the enrollment this year in the City College alone is about 21,000. The increase in the enrollment in the academic department alone of the City College has been over 27 per cent, whereas the increase in the salary total of this department has only been 9.3 per cent. The recent increased demand throughout the country for college education is a matter of public knowledge and discussion; and the forces which have brought it about have operated strongly in the City of New York. Under the charter, the board of trustees has the choice but to provide higher education to all persons qualified under the law. But why should this condition not be rather a subject for public gratification that there should be agencies in our community which democratically afford to the great masses of the people, without restriction, free academic and scientific education of a collegiate character? No public investment pays more dividends than does education to the community, the city and the individual."

Salary Appropriation Reduced

Mr. Tuttle pointed out that despite the great increase in enrollment in the colleges, the Board of Estimate reduced the appropriation for salaries for 1923 by \$123,835 under the appropriation for 1922 in the case of the City College, and by \$40,202 in the case of Hunter College. The trustees of City College are demanding in the mandamus proceedings that the full appropriation of 1922 be made up, with an additional \$100,000 to meet the salaries of additional faculty members found necessary to properly cope with the increased enrollment.

Referring to Comptroller Craig's demand upon Sidney E. Mezes, president of the City College, that he reimburse the city \$9,000 as rent for the city-owned house occupied by him, Mr. Tuttle said:

"This house was purchased by the city to be occupied by the president of the college in 1907, the then Board of Estimate and the then Board of Aldermen voluntarily adopting the necessary resolutions. Since that time the house was occupied, rent free, by Dr. John H. Finley when he was president and since that time by the present president. During all that time the preceding president and the present president down to June 1, 1921, had received in addition a cash salary of \$9,000 per annum, which amount was increased on June 1, 1921, under Chapter 120 of the Laws of 1921, to \$12,500 per annum. The object of that law obviously was to increase, not to decrease the cash salary of the president, and the Legislature which adopted it had full knowledge of the fact that the president of City College, like the presidents of a great many of the principal colleges of the country, in addition to a cash salary had for years received free rental of a house."

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